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## PRE-APPEAL BRIEF REQUEST FOR REVIEW

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Typed or printed name \_\_\_\_\_

Application Number

10/728685

Filed

10/5/2003

First Named Inventor

Christopher C. Dix

Art Unit

2838

Examiner

Metha Nguyen

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).

Note: No more than five (5) pages may be provided.

I am the

- applicant/inventor.  
 assignee of record of the entire interest.  
 See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.  
 (Form PTO/SB/96)  
 attorney or agent of record.  
 Registration number \_\_\_\_\_  
 attorney or agent acting under 37 CFR 1.34.  
 Registration number of acting under 37 CFR 1.34 \_\_\_\_\_

Marcus Becker

Signature

Marcus Becker

Typed or printed name

503-268-8685

Telephone number

10/4/06

Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required.  
 Submit multiple forms if more than one signature is required, see below.

Total of \_\_\_\_\_ forms are submitted.

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE OCT 04 2006**

First Named Inventor: Christopher W. Dix  
Application No.: 10/728,685  
Filed: 12/05/2003  
For POWER SUPPLY REMOTE VOLTAGE SENSING  
Examiner: Matthew Van Nguyen  
Art Unit: 2838  
Attorney Docket No. M-15299 US

**PRE-APPEAL BRIEF REQUEST FOR REVIEW ATTACHMENT**

1/3

PAGE 6/8 \* RCVD AT 10/4/2006 2:05:21 PM [Eastern Daylight Time] \* SVR:USPTO-EFXRF-2/3 \* DNIS:2738300 \* CSID:503 268 8459 \* DURATION (mm:ss):02:28

**Plankensteiner Does Not Anticipate Claims 1, 2, 6, 7, 9, and 25**

Claim 1 appears below. To aid in understanding the differences between the claim and Plankensteiner, applicant has added reference numeral to the claim to show how it reads on the embodiment of the invention shown in Fig. 2 of the application:

1. A circuit comprising:
  - a first transistor (202) adapted to connect an output terminal (112) of a first power supply (102) to a first load (104);
  - a second transistor (204) adapted to connect a sense terminal (116) of the first power supply (102) to the first load (104); and
  - a controller (210) adapted to provide an output signal to the first transistor (202) and the second transistor (204) to control the first transistor (202) and the second transistor (202).

Plankensteiner does not anticipate claim 1 because it does not disclose transistors that connect the power supply and the load in the manner claimed. This can be seen by a close examination of Fig. 4 .of Plankensteiner (on which the Examiner relies) and by a careful reading of Plankensteiner's claim 1. Transistor M<sub>OUT</sub> (which the Examiner considers the claimed "first transistor") is not adapted to connect the load R<sub>LOAD</sub> to an output terminal of either power supply in the figure, V<sub>DD</sub> or V<sub>EXT</sub>. Similarly, transistor M<sub>SENSE</sub> (which the Examiner considers the claimed "second transistor") is not adapted to connect an output terminal of power supply V<sub>DD</sub> to the load R<sub>LOAD</sub>.

When applicant pointed out these differences to the Examiner, he replied in his final action that "[T]he second transistor (M<sub>SENSE</sub>) in Fig. 4 of Plankensteiner connects the sense terminal of the power supply (V<sub>DD</sub>) to the load (R<sub>LOAD</sub>) through the comparator (356)."

This is not correct. First, there is nothing in Plankensteiner to indicate that V<sub>DD</sub> has a "sense terminal," as that term is used in claim 1. Second, there is nothing in Plankensteiner indicating that comparator 356 is somehow connected to V<sub>DD</sub> to thereby influence its operation. To the contrary, the function of V<sub>DD</sub> is to generate a constant reference current, and that function does not change regardless of the output of the comparator. As stated clearly in Plankensteiner,

the comparator simply generates an "over current" (OC) signal to indicate an over current condition on the output." See col. 4, lines 7-13. Moreover, the Examiner did not address the first difference pointed out by applicant - that transistor M<sub>OUT</sub> is not adapted to connect the R<sub>LOAD</sub> to an output terminal of any power supply, be it V<sub>DD</sub> or V<sub>EXT</sub>.

For at least these reasons, claims 1, 2, 6, 7, 9 and independent claim 25 (which contains limitations similar to claim 1) are not anticipated by Plankensteiner.

**Claims 3, 8, And 10-13 Are Not Unpatentable  
Over Plankensteiner In View Of Terrien**

Independent claim 10 contains limitations similar to those of claims 1 and 25 noted above, limitations not disclosed in Plankensteiner. Terrien adds nothing to Plankensteiner in this respect. Thus these claims are not unpatentable over the two references for at least the reasons given above.

Respectfully submitted,

Date: 10/4/06

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